



**US Department
Of Transportation
Federal Motor Carrier
Safety Administration**

**Eastern Service Center
802 Cromwell Park Dr. Suite N
Glen Burnie, Maryland 21061**

In Reply Refer To: MC-EFE-SV

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March 20, 2009

VIA FEDERAL EXPRESS

The Honorable Ronnie A. Yoder
Chief Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
East Building, Ground Floor
Room E12-320
Washington DC 20590

Re: In the Matters of Transland, Inc., Brian Wilson, Charles Roberts, Christopher Carter,
James DeJonge, Michael Slaughter, and Alfonso Gonzales

Docket Nos. FMCSA-2006-25348, 25349, 25350, 25351, 25352, 25353, and 25354
(Federal Motor Carrier Safety Administration)

Dear Judge Yoder:

Enclosed please find the Field Administrator's Objection to Transland, Inc.'s motion for
leave to supplement its reply to the Field Administrator's prehearing brief.

Thank you for your attention to this matter.

Very truly yours,

John C. Bell

Counsel for the Field Administrator

cc: Anthony J. McMahon, Esquire
Keith L. Sachs, Esquire

**UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.**

**IN THE MATTER OF

TRANSLAND, INC.
BRIAN WILLSON
CHARLES ROBERTS
CHRISTOPHER CARTER
JAMES DEJONGE
MICHAEL SLAUGHTER
ALFONSO GONZALES**

**DOCKET NOS. FMCSA-2006-25348, 25349
25350, 25351, 25352, 25353, and 25354
(Federal Motor Carrier Safety Administration)**

**FIELD ADMINISTRATOR'S OBJECTION TO MOTION FOR LEAVE
TO SUPPLEMENT REPLY OF RESPONDENT TRANSLAND, INC.
TO FIELD ADMINISTRATOR'S PREHEARING BRIEF**

The Field Administrator for the Federal Motor Carrier Safety Administration ("FMCSA"), Midwestern Service Center, by and through his undersigned attorney, respectfully objects to Transland, Inc.'s motion for leave to supplement its reply to the Field Administrator's prehearing brief, and states as follows:

In its motion, Transland, Inc. ("Respondent") seeks to place before this tribunal an unsigned March 9, 2009 memorandum purportedly written by an employee of Qualcomm Enterprise Services to employees of the Federal Motor Carrier Safety Administration. Respondent characterizes this memorandum as "relevant in that it deals with the feasibility and appropriateness of using GPS data to audit logs for regulatory enforcement."

This tribunal's direction to the parties during the December 17, 2008 prehearing teleconference was to submit a brief setting forth the legal standard for finding that a motor

carrier is liable for false reports of records of duty status by its drivers. A Qualcomm Enterprise Services employee's opinion has no bearing on the legal standard to be applied in this matter; indeed, the topic addressed in the prehearing brief is not even the subject of the memorandum.

Respondent had the opportunity to file its brief on the standard of liability. Further, it had an opportunity to respond to the Field Administrator's brief. It now seeks to somehow bolster its position by including a memorandum that sheds no light on the standard for finding a motor carrier liable for false reports of records of duty status by its drivers.

WHEREFORE, the Field Administrator respectfully requests that Respondent's motion for leave to supplement its reply to the Field Administrator's prehearing brief be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John C. Bell', written over a horizontal line.

John C. Bell
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CERTIFICATE OF SERVICE

This is to certify that on the 20th day of March 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to:

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Chief Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
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Chief Administrative Law Judge

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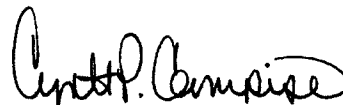
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Filed Electronically in FDMS



Cynthia P. Campise